

## CHILDREN OF HENRY BROCKHOLST LIVINGSTON.

[To accompany Bill H. R. No. 431.]

MARCH 23, 1860.

Mr. BRIGGS, from the Committee on Revolutionary Claims, made the following

### REPORT.

*The Committee of the House of Representatives on Revolutionary Claims, to whom was referred the memorial of Anson Livingston and other heirs of the late Henry Brockholst Livingston, lieutenant colonel of the continental army of the revolution, praying for the payment of four years' arrears of pay as lieutenant colonel and secretary up to March 23, 1783; also for half pay as lieutenant colonel from the time of the peace, March 23, 1783, to the 18th of March, 1823, the time of his death, with annual interest thereon to the present time; together with four hundred and fifty acres of land, claiming the same under the several acts of Congress set forth in this report, which the said memorialists contend constituted a legal contract on the part of the United States, would respectfully submit herewith their report in answer to said memorial:*

Your committee, after a thorough examination into the reports of the several committees of Congress upon these half-pay claims, find that those like the present case are a distinct class, and are, by all general principles, applicable to contracts placed beyond all controversy; and we are constrained to believe that whenever any diversity of opinion may have prevailed in relation to the claims of those officers who were entitled to half pay, and who *received their certificates of commutation of five years' full pay*, no possible reason for doubt ought to exist so far as to the rights of those officers who demanded their half or commutation of five years' full pay, and which may have been, as in the present case, refused by the officers of the government; and that they or their representatives are entitled to half pay from the time of the peace to the date of their death, payable in *specie* or *current money*; and by the act of June 3, 1784, they are also entitled to an interest of six per cent. per annum, and that by the resolutions of Congress of September 16 and 18, 1776, a lieutenant colonel was entitled to four hundred and fifty acres of land.

That said contract for half pay, although made by the old confedera-

tion, is equally binding upon Congress ; for by the 6th article of the Constitution " All *debts* contracted or *engagements* entered into before the adoption of this constitution shall be as valid against the United States under this constitution as under the confederation."

Your committee are fully satisfied that said Lieutenant Colonel Henry Brockholst Livingston comes within the several acts of Congress, and is entitled to all the provisions of the acts by which all the officers who served to the end of the war were promised half pay from the peace to the time of their death, and also to the benefits of the acts of September 16 and 18, 1776, which promised to those who were then in service and served to the end of the war, of the rank of lieutenant colonel, four hundred and fifty acres of land.

Your committee find that said Henry Brockholst Livingston was born on the 26th of November, 1757 ; graduated at Princeton college in 1774 ; that he entered the army in the summer of 1776 with the grade of captain ; was soon after selected by General Schuyler as one of his aids, accompanying him in his northern campaign with the rank of major ; afterwards the aid of St. Clair, participating in this capacity in the siege of Ticonderoga, 1777, and in the absence of Schuyler participated in the memorable conflict at Stillwater ; afterwards attached to the suite of General Arnold, and shared in the honors of the conquest of Burgoyne.

We also find in 2d volume of the Journals of Congress, page 276, the following :

" *Resolved*, That Major Henry Brockholst Livingston, aid-de-camp to Major General Schuyler, be promoted to the rank of lieutenant colonel as a reward for his merit and services in the American army."

We also found on the journals of Congress, under date of the 15th of October, 1779, it appears, a letter of this day from Mr. Jay was read, "*soliciting leave of absence for Lieutenant Colonel Livingston, to accompany him to Spain.*" A motion was made by Mr. Matthews, and seconded, " that Lieutenant Colonel H. B. Livingston have leave of absence for twelve months," which passed in the affirmative, and with his distinguished relative took passage in the frigate "Confederacy" on this important and ever-to-be-remembered commission, which term of furlough was extended by subsequent resolutions until further order of Congress ; and there he was thus engaged without receiving any compensation until 1782, and was on his way home in 1782 captured by a British cruiser, and was liberated by Sir Guy Carlton in the May following. He had received his commission as lieutenant colonel, and did not belong to the line of any State or separate corps of the army, was, as before stated, discharged under the act or proclamation of the 18th day of October, 1785, and died on the 18th of March, 1823.

We therefore find that he was an officer of great merit, and rendered his country, as an officer and also secretary on this important mission, very valuable and most meritorious services, and was not *discharged* from service until by the act of Congress of the 18th of October, 1783, which is in the following words :

1. " On the 18th October, 1783, (vol. 4 Journals by Way & Gid-

eon, p. 299,) Congress adopted a proclamation announcing the peace, and that, in the progress of an arduous and difficult war, the armies of the United States of America have eminently displayed every military and patriotic virtue, and are not less to be applauded for their fortitude and magnanimity in the most trying scenes of distress than for a series of heroic and illustrious achievements which exalt them to a high rank among the most zealous and successful defenders of the rights and liberties of mankind. \* \* \* \* 'We, therefore, the United States, in Congress assembled, thus impressed with a lively sense of the distinguished merit and good conduct of the said armies, do give them the thanks of the country for their long, eminent, and faithful services; and it is our will and pleasure that such of the federal armies as stand engaged to serve during the war, and as, by our acts of 26th May, the 11th day of June, the 9th day of August, and the 26th day of September last, were furloughed, shall from and after the 3d day of November next be absolutely discharged, by virtue of this our proclamation, from the said service; and we do also declare that the further services in the field of the officers who are deranged and on furlough in consequence of our aforesaid acts can now be dispensed with, and they have our full permission to retire from service, without being longer liable from their present engagements to be called into command.' "

By which the officers who were *deranged* or on *furlough* were fully *comprehended*. Congress herein declare that officers *deranged* and on *furlough*, not in actual service in the field, were yet liable to be called into command until they were thus discharged.

On the return of said Livingston he had the mortification to find his position as an officer deranged by the resolution of the 31st December, 1781, which passed in his absence, which is marked No. 2, and in the following words :

No. 2.—*Resolution.*—*In Congress, December 31, 1781.*

"*Resolved*, That all officers of the line of the army below the rank of brigadier general, who do not belong to the line of any particular State or separate corps of the army, and are entitled by acts of Congress to pay and subsistence, shall have the same, with the depreciation of their pay, made good to the first day of January, 1782.

"*Resolved*, That the Secretary of War be, and he is hereby, directed to make returns to Congress on or before the 20th day of January, 1782, of the names and rank of all the officers necessary to be retained in service that are included in the preceding resolution.

"*Resolved*, That all officers included in the foregoing description, and whose names shall not be inserted in the returns directed to be made by the preceding resolution, shall be considered as retiring from service on the 1st day of January, 1782, provided, always, that nothing contained in these resolutions shall be construed so as to prevent or hinder any officer that shall retire as aforesaid from enjoying all the emoluments that he may upon retiring be entitled to by any former acts of Congress."

By which the Secretary of War was directed to make returns to

Congress on or before the 20th of January, 1782, of the names and rank of all the officers necessary to be *retained in service* that are included in the preceding resolution. By reason of which the following certificate was issued by the Secretary of War :

“WAR OFFICE, *February 23, 1782.*

“Lieutenant Colonel Henry Brockholst Livingston retired from service on the first day of January, 1782, under the resolve of Congress of the 31st December, 1781, and was not attached to the line of any particular State.

“B. LINCOLN.”

That after the close of the war he applied to the paymaster general, Pierce, for the settlement of his half pay, and his services as private secretary to Mr. Jay, and received the following answer :

“WEST POINT, *January 17, 1784.*

“SIR: I do myself the honor to enclose your certificate from the Secretary of War, and am obliged to suspend the *admission* of your *claim* for commutation.

“The resolve granting the half pay you will find extends to those officers only who continued in service to the end of the war, and in all the partial derangements except of December 31, 1781, there has been a particular provision which has given it. In this last-mentioned instance there is an obscure *negation clause*; which, as it grants nothing but what was before given, I cannot construe to extend beyond, or place you in a better situation than what the former resolution entitled you. I am sensible of the *inequality* of these *resolutions*, but must be bound by them until I have further directions.

“I am, sir, your most obedient,

“JNO. PIERCE.”

He then appealed to the Secretary of Finance, and received the following answer :

“OFFICE OF FINANCE, *February 17, 1784.*

“SIR: I am to acknowledge the receipt of your favor of the first instant. I should be very glad to give such opinion on the subject as might be agreeable to your wishes, but I am not authorized to give my opinion at all on the subject, because the adjustment of these accounts rest with the paymaster alone, by the special act of Congress. If I were to express a private opinion it would not have (or at least it ought not to have) any influence. If the paymaster reject any claim made on him, the claimant can only have redress by application to Congress. But I should suppose that if it should be a doubtful case he will report it as such for their opinion. If, on the contrary, his opinion be decidedly against you, *I doubt much the success of an application to them.* However, you will on this occasion judge for yourself, and any service which I may consistently render you may confidently rely on.

“I am, with esteem and respect, sir, your most obedient servant,

“ROBERT MORRIS.”

The resolve of Congress of October 21, 1780, promised—

“That the officers who shall continue in the service to the end of the war shall also be entitled to *half pay during life*, to commence from the time of their reduction.”

We have seen that this class of officers were not discharged until after the peace by the act of the 18th of October, 1783. Therefore your memorialist would most respectfully submit that if there could have been any doubt in the mind of the paymaster of the claim of said Colonel Livingston to half pay, there certainly should not have been *after the passage of the resolve* of Congress of March 8, 1785, which is in the following words :

*Resolution.—In Congress, March 8, 1785.*

“*Resolved*, That the officers who retired under the resolve of the 31st of December, 1781, are equally entitled to the *half pay* or commutation with those officers who retired under the resolves of the 3d and 21st October, 1780.”

And yet your committee regret to say that in this, as in many other meritorious claims, owing to the utter poverty of the treasury at that time, that Congress never from that time *made any appropriation* for the payment of this or any other of the half-pay claims, except in a few individual cases. After the passage of this act, of which said Livingston seems not to have been informed, on the 25th of April, 1785, said Livingston addressed a petition to the representatives in Congress, which is now on the files of the State Department, requesting a settlement for his services as lieutenant colonel and secretary of Mr. Jay while minister to Spain.

But no further action of Congress appears to have been had in relation to this just claim. Whether it was considered that the act of March 8, 1785, had rendered any further legislation unnecessary, together with the great fact that the *States* had failed to *furnish substantial funds* for the *security* of the certificates of the United States, as promised under the resolve of January 25, 1783, and the utter poverty of the general government at that time, which presented but *little inducement* to pursue their claims, does not appear, although the records of the office show that he was entitled to half pay. The contract for half pay also embraced, on the same terms, the promise for land, which was never obtained by the claimant in this case; the land was payable to the *officers* and *soldiers*, or their *representatives*. In fact, these claims for half pay for life embrace the following considerations :

Grants of land was the *first* inducement embraced in the engagement to *serve during the war*.

This was declared by the act of September 16, 1776, to be “*in addition*” to the promise of their monthly pay and bounty money.

The petitioner claims for service rendered under a contract, which embraces considerations named in the following acts :

- 1st. Grants of land by the resolves of September 16 and 18, 1776.
- 2d. Seven years' half pay by the resolve of May 15, 1778.
- 3d. Seven years' half pay in *specie* or *current money*, October 3,



1780, which was embraced in the act of October 21, and therefore payable in specie or current money.

All to induce the officers and soldiers to serve during the war, and the promise of seven years' half pay made to the supernumerary officers.

These considerations were all blended in the contract under the following resolve:

"October 21, 1780.—*Resolved*, That the commander-in-chief and commanding officer in the southern department direct the officers of each State to meet and agree upon the officers for the regiments to be raised by their respective States from those who incline to continue in service, and where it cannot be done by agreement, to be determined by seniority, and make return of those who are to remain, which is to be transmitted to Congress, together with the names of the *officers reduced*, who are to be allowed *half pay for life*.

"That the officers who shall continue in the service to the end of the war shall also be entitled to *half pay during life*, to commence from the time of their reduction."

The great distress of the officers, which arose from the depreciation of government paper, induced them, in December, 1782, to memorialize Congress for *money* and a settlement of their accounts, which embraced, with many other and more important claims due them, a proposition to commute their half pay for a sum in gross. The main object was *money* to relieve them from their extreme wants, and *security* for all that was due, which comprised the following items:

#### *Report of Grand Committee.*

In Congress, Saturday, January 25, 1783, vol. 4, pp. 152, 153.

The Grand Committee, consisting of a member from each State, report: That they have considered the contents of a memorial presented by the army, and find that they comprehend five different articles:

1st. Present pay. 2d. Settlement of accounts for arrears of pay and security for what is due.

3d. A commutation of the half pay allowed by the different resolutions of Congress for an equivalent in gross.

4th. A settlement of the accounts of the deficiencies of rations and compensation.

5th. A settlement of the accounts of deficiencies of clothing and compensation.

Whereupon Congress, on the 25th of January, 1783, on a report of a committee of twelve, one from each State—

*Resolved*, "That Congress will make every effort in their power to obtain from their respective States substantial funds adequate to the object of funding the whole debt of the United States, and will enter upon the immediate and full consideration of the nature of such funds, and the most likely mode of obtaining them."

This resolution was communicated to the officers by General

Washington; and the officers, on the 15th March, 1783, seven days only previous to the passage of the act of March 22, 1783—

*Resolved unanimously*, "That the army continue to have an unshaken confidence in the justice of Congress and their country, and are fully convinced that the representatives of America will not *disband or disperse* the army until their accounts are liquidated, the balance accurately ascertained, and *adequate funds established for payment*, and in this arrangement the officers expect that the half pay or commutation of it should be efficaciously comprehended."

Congress, relying upon the *anticipated security* of the States, passed the act of March 22, 1783, and the paymaster general adopted this act and took upon himself the responsibility to impose upon the officers, instead of *specie or securities*, the *certificates of the government* for all amounts due, payable to the officer, or bearer, in ten years, with interest *annually*, while at *this time* the certificates of the government were not worth over ten cents on the dollar, and the utter poverty of the government rendered it *impossible* to pay even the *interest* during the whole period of the confederation, and left no inducement to the memorialist for the further prosecution of his claim.

Mr. Cragin, of the Committee on Revolutionary Claims, submitted a report on the 5th March, 1859, (No. 125,) and bill to provide for the final settlement of these claims, to which your committee invite the attention of the House; also to the report of this committee of this session in support of these claims, in which your committee are clearly of opinion that the resolves of October 3, promising seven years' half pay in *specie or current money equivalent*, extended by and embraced in the resolve of October 21, 1780, by which those officers who served during the war were promised half pay for life, was also payable in *specie or current money equivalent*. This point your committee have not been able to exclude from their particular consideration; many of the officers having, up to this time, sacrificed their fortunes and five years of the prime of life, the future was to be guarded, if possible, against further loss, and we are therefore constrained to view them as *preferred debts* of the United States, for the immediate payment of which the *honor and faith* of the whole nation, as well as the public domain, stand pledged.

2. It is conceded that the officers performed and fulfilled the contract on their part, and gained for the United States liberty and independence, and established the republican government which we now enjoy.

3. That each officer, as an individual, acquired a *vested right of property therein*, and any act of Congress impairing or affecting this right is repugnant to the Constitution and void.

4. The act of March 22, 1783, contains no provision of the right of the officer to *refuse* the certificates or of the right to *return* them, and as there was no way pointed out in which the *security* was to be made, and as the debt was payable, "that the United States, by construction of law, guaranteed that whatever *security* should be given should be made *equal to specie or current money*, or *what Congress proposed by the resolve of January, 25, 1783.*" The utter poverty of the government precluded the possibility of *paying specie*, but the *interest*, even

in *this* proposition, was payable *annually*. The facts find that the government made no provision or *appropriation* for the payment of *interest* or *principal* during the whole period of that confederation, and not only so, but the certificates charged to and *forced* upon the officers by the paymaster general would not at any time have commanded over one-eighth of a dollar, and were generally disposed of by the officers, after waiting for *security* for many years, for even a less per cent., and these certificates were finally funded by the *holders*, on a long term of years, at a loss of interest nearly equal to the principal. It is impossible for your committee to say that the charging, sending, or delivering those depreciated certificates could or did in any way impair the rights of those officers to half-pay; the utmost the government could ask is to be allowed the *nominal amount* of those certificates, to be *deducted* from the half-pay contract for the faithful performance of these contracts on the part of the United States.

Your committee are still more confirmed in this position by the express language of the funding act of August 4, 1790, in which it is specially *guaranteed* by *this* government, by the ninth section of this funding act, that nothing in this act shall be construed in anywise to *alter, abridge, or impair the rights of those creditors of the United States who shall not subscribe* to the said loan or the *contracts* upon which their respective claims are founded, but the *contracts and rights* shall remain in full force and *virtue*. This government designedly made the broad and just distinction between these floating and depreciated certificates, and those which were in any way founded on *special contracts*, and for that reason disconnected them from those contracts, and left them, as they had been *stated* in the books, a charge, and simply as a *payment pro tanto*.

These creditors further urge, and, as your committee believe, with much force, that the present government became the assignee and trustee of the effects and public domain, and, by the sixth article of the Constitution, promised to pay the debts and engagements of the old confederation; and the 22d section of the act of August 4, 1790, declares: "That the proceeds of the sales which shall be made of lands in the western territory now belonging or that may hereafter belong to the United States shall be, and are hereby, appropriated towards sinking or *discharging the debts* for the payment whereof the United States now are, or by virtue of this act may be, holden, and shall be applied *solely* to that use until the said debts shall be fully satisfied."

It will be observed that said Livingston dropped *Henry* from his name previous to the date of his memorial to Congress in April, 1785, as that is signed Brockholst Livingston. Your committee found, on the examination of the list of private claims of the House, the name of Henry B. Livingston, of the 3d, 4th, 11th, 16th, and 21st Congress, for military services, &c., &c.; the chairman, therefore, asked the Third Auditor of the Treasury for a statement of accounts with the department of each of the persons. He says, in answer: "It appears, from the revolutionary records of this office, that there are two officers of the name of Henry B. Livingston: one is stated to have been *colonel* of the 2d New York regiment, and stands a *debtor* on the books for \$5,349 10, notwithstanding his accounts are credited with nominal



and real pay and subsistence from November 1, 1779, to December 31, 1781, and commutating \$3,600. The other," he says, "is Lieutenant Colonel Henry B. Livingston, aid-de-camp, whose accounts stand closed on the ledger. In the journal entry, however, the credit is to Lieutenant Colonel H. B. Livingston for five years' full pay, in lieu of half pay for life, \$3,600, and the *debt* is to Lieutenant Colonel Henry B. Livingston, for his certificates for commutation, No. 93,854. Colonel Henry B. Livingston appears to have resigned; his resignation accepted January 13, 1779. He therefore was not, under any circumstances, entitled to commutation, and the posting to his account of the said pay and commutation on the ledger is *evidently an error*.

This statement would be entitled to much weight with the committee, so far as it might affect the charge of *certificates of* \$3,600, were it not for one great fact which appears in this case. If the present claimant was entitled to half pay, he was also entitled to bounty land. It appears that only *one* of them received bounty land, and that was Colonel Henry B. Livingston, who was a brother of Edward Livingston, *under a personal application made by him, and sworn to* on the 5th day of March, 1825, two years after the *death of Lieutenant Colonel Brockholst Livingston*, who, it is well known, died on March 18, 1823. The presumption is, that whoever received the land received the \$3,600. The *colonel* was Henry Beekman Livingston, and alleges himself to be seventy-four years of age in 1825, when he made his application. Brockholst Livingston, the father of the claimants, was only sixty-six years of age *when he died* in 1823. It is immaterial whether Colonel Livingston was *entitled* or not, inasmuch as the department which gave him his bounty land warrant and admitted him to be entitled, which establishes the present claim beyond all possible doubt.

It will be seen by the application, marked B, annexed, made by Colonel Henry Livingston, that *he* made application and had a warrant, No. 1117, for 450 acres, in March, 1825, and yet the certificate of *Pension office*, it will be seen, marked A, declares it was for Lieutenant Colonel Henry B. Livingston, while his rank does not appear in the application, and when it is *proved* to have issued two years after the death of claimant, and directly opposed to the charge of commutation before referred to, which is charged and credited to Colonel Henry B. Livingston. But, from the manner in which the bill is drawn, it can make no difference whether these supposed errors exist or not. One thing is *certain*: when this Henry Beekman made *his application and received his land warrant*, which was delivered to his brother, Edward Livingston, Henry Brockholst Livingston had been dead some two years. This appears in second volume of biography by Eleazer Lord and the records of the Supreme Court of the United States, (8th Wheaton's Reports,) where his death is recorded as of March 18, 1823.

Your committee cannot see any reason why *interest* should be excluded from this meritorious and well-established debt, as the act of June 3, 1784, promises interest, especially where, in a similar case, it was allowed by Congress in confirmation of a decision of the Court of Claims in behalf of one of the several payees of the *same contract* in the late case of Thomas H. Baird against the United States as administrator

of Absalom Baird, who was a surgeon, and claimed half pay for life under the act of January 17, 1781, but for some cause was refused. It was contended in that case that he did not belong to that class of officers to whom half pay was promised. But Congress, on the 3d of June, 1836, passed an act directing the proper accounting officer of the treasury to settle the account of Absalom Baird, and allow compensation equal to five years' full pay *without interest*, which five years' full pay is, by that act, declared to be the *commutation for his half pay for life*.—(6 Stat. at Large, 641.) This sum was duly paid at the treasury and received without objection. Afterwards, on the 27th of December, 1837, he again petitioned Congress for the interest. In 1855 this claim was by Congress referred to the Court of Claims for their decision. After a full consideration, Chief Justice Gilchrist delivered the opinion of the court in behalf of said half-pay debts, and the close of the opinion is in the following words:

"The United States are either bound by *principles* of law applicable to them, or they are not so bound. If they are not bound, there is an end of the discussion, for then all reasoning is fruitless. If they are bound by the principles of law, *it is impossible* to regard the payment of five years' full pay without interest as a satisfaction of this claim. There is no evidence that either party so regarded it; and, unless we set at defiance every principle of law, we cannot hold that one party to a contract, without the consent of the other, can discharge his debt by the payment of a smaller sum than the amount due." \* \* \* \*

"The amount of Dr. Baird's half pay was \$240 per annum, payable at the end of every year. He was entitled to this sum up to the 27th day of October, 1805, the day of his death, *and interest* on the payments as they became due, according to the express provisions of the resolutions of June 3, 1784."

The Court of Claims, therefore, reported a bill for the relief of Thomas H. Baird:

"*Be it enacted, &c.*, That the Secretary of the Treasury be, and hereby is, directed, out of any money in the treasury not otherwise appropriated, to pay to Thomas H. Baird, administrator of the estate of Absalom Baird, a commissioned surgeon in the army of the revolution, the sum of \$10,074 84, with interest thereon from the 27th day of October, 1805, to the 1st day of June, 1856, deducting therefrom the sum of \$2,400, paid under the act of June 23, 1836."

This decision was affirmed by Congress in the passage of this bill, and the money paid accordingly.

The rule allowing interest against the United States is well settled in the case of Thorndike in error *vs.* United States, 2 Mason, C. C. Rep. 18, and cannot be repeated too often, where the interest was resisted on the ground of sovereignty or the unsuability of the government, &c.

Justice Story, delivering the opinion of the court, said:

"If the present, then, were a contract between private citizens, there can be no doubt that the court would be bound to give interest upon the contract up to the time of payment. And if by law the amount due on the contract could be pleaded as a tender or a set-off to a private debt, it would be a good bar, to the full extent of the prin-

cipal and interest due at the time of such tender or set-off; nay, more, if the note or promise were given by the citizen to the government, the latter might enforce its claim to the like extent. Can it make any difference, in the construction of the contract, that the government is the debtor instead of the creditor? In reason, in justice, in equity, it ought to make none; and there is not a scintilla of law to justify any. And if a suit could be maintained against the government, I do not perceive why it would not be as much the duty of the court to render judgment on such suit for the principal and interest in the same manner and to the same extent as it would in the case of private citizens. The United States have no prerogative to claim one law upon their own contracts as creditors and another as debtors. If as creditors, they are entitled to interest, as debtors, they ought to pay it.

"It has been asked whether, upon all contracts of the government which are not strictly performed according to their terms, interest is to be allowed in the same manner as upon private contracts? In point of justice or law, no reason is perceived by the court why the government, if it were suable, ought not to pay what, as creditor, it could compel its own debtor to pay.

"If a different measure of compensation could be dealt out by judicial tribunals, in my judgment, it would seem as little to comport with the dignity of the government as it does with sound policy and the eternal dictates of justice."

In addition to these high authorities, we find that Congress has, by over fifteen hundred special acts, allowed interest on the claims of creditors of the United States, over two hundred of which have been specially for interest.

Your committee, therefore, influenced by these considerations, and the importance of a due regard to the laws of Congress, and governed strictly by the subsisting legal contracts of the government for *half pay for life*, have reported a bill, (which accompanies this report,) extending the benefits of the acts of the 3d and 21st of October, 1780, December 31, 1781, of June 3, 1784, March 8, 1785. Also the provisions of the acts of the 15th and 18th of September, 1776, of the old confederation, granting bounty land. Also the benefits and provisions contained in the act of Congress approved the 18th day of August, A. D. 1856, passed for the relief of Thomas A. Baird, to the children of said Henry Brockholst Livingston, and directing the accounting officers of the treasury to pay to the legal representatives of, and for the exclusive benefit of said children, now surviving, and the issue of any deceased child or children of their deceased parents, the half pay for life due to said Henry Brockholst Livingston, from the time of the peace to the time of his death, on the 18th day of March, 1853, with the same computation and allowance of interest as made by the Court of Claims, and affirmed by Congress in said act, for the relief of said Baird, approved August 18, 1856, deducting therefrom any certificates for full pay which may be proved to have been received by said Brockholst Livingston, or his legal representatives, under the act of the 22d of March, 1783. They have omitted the four years' pay and the \$2,400 alleged to have been paid for his

personal expenses while secretary of Mr. Jay during his stay in Spain as minister of the United States until a further investigation at the departments of the government.

Your committee believe there are but few others if any cases now remaining where the officers entitled to *half pay* who demanded their commutation or half pay, and having been *refused*, were thereby brought within the principles adopted by Congress for the relief of the representatives of Surgeon Baird. This is probably the only case which would not come within the provisions of the general bill for half pay now under the consideration of your committee. The present claim in all its relations demanded the most favorable consideration, and, as your committee believe, required a special report, which is herewith most respectfully submitted.

---

A.

PENSION OFFICE, *March 9, 1860.*

SIR: In reply to your inquiries relative to land bounty in right of Henry B. Livingston, who was a lieutenant colonel in the New York continental line in the war of the revolution, I have to inform you that the records of this office show that land warrant No. 1117, for 450 acres, issued March 14, 1825, to Henry B. Livingston, who was a lieutenant colonel in the New York continental line of the army, and the same was sent to Edward Livingston.

In compliance with your request I herewith enclose you a copy of the *original papers* upon which the above-numbered warrant was issued by the United States.

Very respectfully,

GEO. C. WHITING, *Commissioner.*

NATHANIEL HATCH, Esq., *No. 514 12th street.*

---

B.

*Application of Henry B. Livingston for bounty land in 1825.*

STATE OF NEW YORK, *County of Dutchess:*

I, Henry B. Livingston, aged about seventy-four years, do upon oath declare that I served in the New York line of the army of the revolution; I further declare that I never received a warrant for the bounty land promised on the part of the United States, nor have I ever assigned or transferred my claim thereto, in any manner whatsoever; therefore, know all men by these presents that I, Henry B. Livingston, aforesaid, do hereby appoint my brother, Edward Livingston, now a representative in the Congress of the United States from the State of Louisiana, to be my true and lawful attorney, for me and in my name to demand and receive from the Secretary of

War of the United States, or such other person as is duly authorized to issue and deliver the same, a warrant for the quantity of land to me as aforesaid, and to sign a receipt and acquittance therefor; and my said attorney is hereby fully authorized and empowered to constitute and appoint one or more substitutes or attorneys under him for the special purposes above expressed.

HENRY B. LIVINGSTON.

Attest: JAMES RATHBONE.

I, John Armstrong, aged about sixty-six years, a citizen of the United States, do upon oath declare that I have been long acquainted with Colonel Henry B. Livingston, who has subscribed the above declaration in my presence, and well know that he is the identical person he represents himself to be therein, and further, I know that he did serve as colonel in the army of the United States in the revolutionary war.

JOHN ARMSTRONG.

Attest: JAMES RATHBONE.

Before me, James Rathbone, personally appeared the above named Henry B. Livingston, to me well known, who in my presence acknowledged the power of attorney subjoined to the above declaration to be his free act and deed, and likewise personally appeared John Armstrong, who hath subscribed the above certificate of identity, both to me well known to be men of respectability and truth, and made solemn oath to the truth of the depositions by them respectively subscribed this third day of March, in the year of our Lord 1825.

Taken and sworn to before me.

JAMES RATHBONE,

*Commissioner for the County of Dutchess.*

In testimony that the above-written James Rathbone was a magistrate authorized to administer oaths and acknowledgments of deeds in the State of New York at the above date, and that his name there subscribed appears to me to be his usual signature, I have hereunto subscribed my name and affixed the seal of the county and State, [L. S.] at my office at Poughkeepsie, this fifth day of March, 1825.

JACOB VAN NESS,

*Clerk of the County of Dutchess, in the State of New York.*

PENSION OFFICE, March 9, 1860.

I hereby certify that the foregoing is a true copy of the original on file in this office.

GEO. C. WHITING,  
*Commissioner of Pensions.*



REPORT  
OF THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
FOR THE YEAR 1874

WASHINGTON:  
GOVERNMENT PRINTING OFFICE:  
1875

THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS

REPORT  
FOR THE YEAR 1874

THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
REPORT  
FOR THE YEAR 1874

THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
REPORT  
FOR THE YEAR 1874

THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
REPORT  
FOR THE YEAR 1874

THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
REPORT  
FOR THE YEAR 1874

THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
REPORT  
FOR THE YEAR 1874

THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
REPORT  
FOR THE YEAR 1874

THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
REPORT  
FOR THE YEAR 1874

THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
REPORT  
FOR THE YEAR 1874

THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
REPORT  
FOR THE YEAR 1874

THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
REPORT  
FOR THE YEAR 1874

THE  
COMMISSIONER OF THE  
BUREAU OF INDIAN AFFAIRS  
REPORT  
FOR THE YEAR 1874